

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C-06-0162 MMC

NICHIA CORPORATION,

Plaintiff,

v.

SEOUL SEMICONDUCTOR LTD., et al.,

Defendants

**ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE PORTIONS OF
CREATIVE LABS, INC.'S AMENDED
ANSWER AND COUNTERCLAIMS;
GRANTING PLAINTIFF'S MOTION TO
STRIKE PORTIONS OF CREATIVE
HOLDINGS, INC.'S AMENDED ANSWER
AND COUNTERCLAIMS; GRANTING
PLAINTIFF'S MOTION TO STRIKE
PORTIONS OF CREATIVE
TECHNOLOGY, LTD.'S CORRECTED
FIRST AMENDED ANSWER AND
COUNTERCLAIMS; GRANTING
DEFENDANTS' REQUEST FOR LEAVE
TO AMEND; VACATING HEARING**

Before the Court are three motions filed June 27, 2006 by Nichia Corporation ("Nichia"): (1) Nichia's motion to strike, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, portions of Creative Labs, Inc.'s ("Creative Labs") Amended Answer and Counterclaims; (2) Nichia's motion to strike, pursuant to Rule 12(f), portions of Creative Holdings, Inc.'s ("Creative Holdings") Amended Answer and Counterclaims; and (3) Nichia's motion to strike, pursuant to Rule 12(f), portions of Creative Technology, Ltd.'s ("Creative Technology") Corrected First Amended Answer and Counterclaims. Creative Labs, Creative Holdings, and Creative Technology (collectively "Creative Defendants") have filed a joint response, requesting that each such defendant be given leave to file a

1 Second Amended Answer and Counterclaims.¹ Nichia has filed a single reply, stating
2 therein it does not oppose the request to amend.

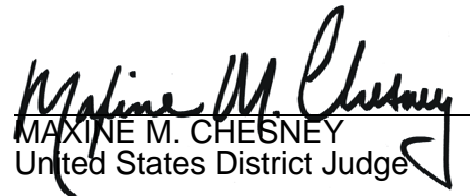
3 Having considered the papers filed in support of and in response to the motions, the
4 Court deems the matter suitable for decision on the papers, VACATES the hearing
5 scheduled for September 29, 2006, and rules as follows:

6 1. Nichia's motions to strike portions of Creative Labs' Amended Answer and
7 Counterclaims, Creative Holdings' Amended Answer and Counterclaims, and Creative
8 Technology's Corrected First Amended Answer and Counterclaims are hereby GRANTED,
9 without prejudice to each such defendant's filing, no later than October 4, 2006, a Second
10 Amended Answer and Counterclaims.

11 2. Nichia's response to each of the above-referenced Second Amended Answer and
12 Counterclaims shall be filed no later than 10 court days from the date each such amended
13 pleading is filed.

14 **IT IS SO ORDERED.**

15
16 Dated: September 25, 2006


MAXINE M. CHESNEY
United States District Judge

25 ¹Two of the three motions filed by Nichia are identical and refer only to the pleading
26 filed by Creative Labs, while the third motion is directed at the pleading filed by Creative
27 Technology. None of the three motions expressly references the pleading filed by Creative
28 Holdings. In their joint response to the motions, however, the Creative Defendants indicate
their understanding that Nichia seeks to strike portions of the pleading filed by each of the
Creative Defendants, including Creative Holdings. Nichia, in its reply, also indicates such
understanding.